

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

The rejection of Claims 1-9 under 35 USC §112, second paragraph, has been considered. Claims 1, 6 and 9 have been amended to provide proper antecedent basis for the limitations discussed in the Office Action. Further, Claims 2-5, 7 and 8 have been amended to address informalities therein. Therefore withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

The rejection of Claims 1-9 under 35 USC §103 as being unpatentable over Zimmermann, U.S. Patent Pub. No. 2001/0030599, has been considered.

Zimmermann discloses a device and method for monitoring the interior space of a transport container, in particular the cargo area of a utility vehicle or transport container of a truck.

Zimmermann discloses sensors 4 connected to one another and to a computer to analyze the contour shape of elements 2 of the load that are in a storage area.

Paragraph [0021] discloses providing the driver with an alarm when there is a change in contour or location of the elements 2. Paragraph [0022] of Zimmermann discloses changing the threshold values depending on the stationary condition or moving condition of a truck. Thus the system can be used for sensing load shifting or for sensing and preventing theft.

Applicants' amended Claim 1 now recites that "at least one said protective device is electrically operable and controllable to be automatically moved to a predefined position and wherein, when the at least one protective device does not reach the predefined position, a position state signal is generated that indicates an unsafe loading space state". This feature is not disclosed or suggested by Zimmermann. Zimmermann does not disclose a protective device that is electrically operable and controllable, much less the providing of a position state signal when the at least one

protective device does not reach the predefined position. Zimmermann merely provides an alarm indicating when articles move. Zimmerman does not disclose or suggest a protective device that is electrically operable and controllable, much less automatically moved to a predefined position. Finally, Zimmerman does not disclose or suggest a position state signal generated when the "protective device does not reach the predefined position".

For the above reasons independent Claim 1, and Claims 2-12 dependent therefrom, are allowable over the applied prior art.

Applicants' Claims 2-9 include additional features that further distinguish Zimmermann. For example, Claim 4 recites "sensing devices for sensing the states of the protective devices" that "include one said sensing device having a transmitter or receiver which is arranged on a mobile one of said protective devices". No feature in Zimmermann comprises such an arrangement.

Claim 5 recites that "the protective devices are automatically placed in the predefined position as a function of the loading space state signal". Zimmermann does not disclose or suggest protective devices automatically placed in a predefined position.

Applicants' Claim 6 recites that "the protective device is moved automatically into the predefined position as a function of the loading space state signal and a current velocity and/or driving situation of the vehicle". Zimmermann does not disclose that the protective device is moved automatically, much less the device being operated as a function of a loading space state signal and a current velocity and/or driving situation. Zimmermann merely discloses changing a threshold of the sensors (second operating load) in response to operation of the vehicle.

Applicants' dependent Claim 7 recites that "one of said protection devices comprises a separating member that is located between the loading space and the passenger

compartment which is displaced, pretensioned or extended in or counter to a longitudinal direction of the vehicle as a function of the loading space state signal and the current velocity and/or driving situation of the vehicle". Zimmermann discloses sensing objects and the position of the objects. There is, however, no disclosure of sensing the position of a separating member that is located between the loading space and the passenger compartment.

Applicants' Claim 9 recites that "the request signal is triggered by a user or by sensors which sense at least one environmental condition of precipitation and quality of ground adjacent the vehicle". This arrangement is not present in Zimmermann.

The Office Action indicates that the position of load objects/elements in the cargo area can be detected and an alarm signal provided to the driver. It is unclear how the vehicle driver in Zimmermann can trigger a request signal that moves a protective device. Moreover, it is unclear which element in Zimmermann comprises a movable "protective" device. Applicants can only assume that the Office Action considers a "protected" device (load) as a "protective" device, which provides a protection function.

For the above reasons, Claims 2-9 further distinguish Zimmermann.

Added Claims 10-12 depend from Claim 1 and thus are allowable. Claim 10 further recites that "at least another said protective device is automatically moved to a predetermined position". It is not clear that Zimmermann includes any protective device that is automatically moved, much less a second protective device.

Applicants' Claim 11 recites that "the protective device comprises an electrically operable loading space cover". No such electrically operable cover is disclosed or suggested in Zimmermann.

Applicants' Claim 12 recites that the protective device comprises "an electrically operable separating net". No such net is disclosed or suggested in Zimmermann.

For the above reasons, Claims 10-12 are believed allowable over the applied prior art.

New independent Claim 13 recites "at least one protective device located within the vehicle and movable between at least a first position for protecting one or more loaded articles in the loading space of the vehicle and a second position enabling access to the loaded articles". This device is not disclosed by Zimmermann.

Claim 13 further recites "at least one protective device sensor for sensing the first or second position of said at least one protective device" and "at least one article sensor for sensing a presence of one or more loaded articles in the loading space of the vehicle". Zimmermann discloses article sensors sensing the presence of loaded articles. Zimmermann does not, however, disclose or suggest a sensor for sensing the first or second position of at least one protective device.

Finally, Claim 13 recites "a control unit for generating a loading space state signal as a function of 1) the sensing of loaded articles, and 2) the sensing of the position of the at least one protective device" and "wherein said protective device is automatically moved to the first position in response to the loading space state signal". As discussed above, Zimmermann provides an output indicating the shift or removal of loaded articles. However, there is no disclosure of providing a signal that is responsive to a protective device position.

For the above reasons, Applicants' new Claim 13, and Claims 14-20 dependent therefrom, distinguish Zimmermann.

Claims 14-20 include additional features that further distinguish Zimmermann. For example, Claim 14 recites that "said at least one protective device comprises at least one of an electric powered extendable loading space cover movable

along a guide rail and an electric powered extendable net". These electric powered devices are not present in Zimmermann.

Claim 16 recites "an electric motor for the automatic moving of the at least one protective device to the first position in response to the loaded space state signal". Zimmermann does not disclose an electric motor for moving a protective device.

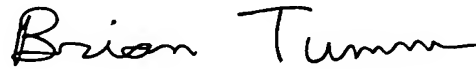
Applicants' Claim 19 recites that "the protective device sensor includes a transmitter or receiver arranged on the movable protective device and a respective corresponding receiver or transmitter arranged on the vehicle". Zimmermann does not provide a movable protection device. While Zimmermann discloses an alarm, the alarm is set in response to movement of loaded articles and is not altered by a signal from a protective device sensor.

For the above reasons, Claims 14-20 distinguish Zimmermann.

Further and favorable consideration and allowance of Claims 1-20 is respectfully requested.

Reconsideration and allowance is respectfully solicited.

Respectfully submitted,



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